INSTRVCTIONS AND DIRECTIONS

giuen by His Maieſtie, vnder His *great Seale of England, bearing* date the 9. day of Ianuary 1610.

TO THE MASTER and Counſell of the Court of Wards and Liueries.

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ANNO DOM. 1610.

HONI SOIT QVI MAL Y PENSE

¶ By the King.

IAMES, *by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c.* To Our right truſtie and right welbeloued Couſin and Counſellour *Robert* Earle of Salisbury, Our High Treaſourer of England, and Maſter of Our Court of Wards and Liueries, and to Our truſtie and welbeloued Our Councel of the ſame Court: and to the Maſter and Councell of the ſaid Court, for the time being, Greeting. Whereas it doeth appeare by common experience, in the courſe that hath bene held ſince the firſt erection of

Our Court of Wards and Liueries, That partly by ſlackneſſe of the friends of the Wards, vpon the deceaſe of the parents or Anceſtours (who haue forborne to offer timely Compoſition, ſometimes with opinion that no Tytle could be found for Vs, and ſometimes with purpoſe to ſuppreſſe the ſame) and partly by the ſute of other men, the Cuſtody of the bodies and lands of Our Wards, haue bene committed to ſuch perſons, ſome for one reſpect, ſome for another, as (notwithſtanding the care and prouidence of you the Maſter and Councell of Our Court, to binde them in great Bonds and Couenants for the well educating of the Children, and preſeruation of their inheritance) haue bene careleſſe of their education, married ſome in meane places, committed waſts and ſpoiles vpon their Lands, and in the ende haue exacted greater ſummes of money, for the marriages of ſuch Wards, then they ought to haue done, in reaſon or equitie; notwithſtanding any their diſburſements whatſoeuer for paſsing or procuring the ſame:

ſame : And whereas We haue bene alſo informed by you the Maſter of Our ſaid Court, that by reaſon of the great difficulties that haue bene found by the Court, vpon ſight of Offices and Surueyes onely, to ſet downe compoſitions for Wardſhips, and Leaſes of Wards lands, with ſuch equalitie and moderation between Vs and Our Subiects, as were iuſt and reaſonable; and that through want of due information in that behalfe, much of the profit that you would haue raiſed for Vs, hath bene diuerted to diuers Sutors and Committees, who by obſcuring the trueth of the Wards eſtate, and by miſinforming of the Court therein, haue raiſed greater profite, then was intended, if you could by ordinary meanes, haue come by the knowledge of their values; ſo as, both Wee haue receiued leſſe then otherwiſe Wee ſhould haue done, and the Wards found little eaſe in many caſes : Wherefore, for the preuenting of theſe and the like inconueniences, and to the ende that Our louing Subiects may ſtand aſſured, that We deſire nothing more,

more, then that their Children and their Lands, that ſhall fall vnto Vs by reaſon of Wardſhip, might after their deceaſe, bee committed to their neereſt and truſtieſt friends, or to ſuch as they by Will or otherwiſe, ſhall commit the charge vnto, vpon ſuch valuable cõſiderations, as are iuſt and reaſonable: And to the intent that the Parents and Anceſtours, may depart in greater Peace, in hope of this Our gracious fauour; and their friendes may ſee their Children brought vp in pietie and learning; and may take ſuch care as is fit, for the preſeruation of their inheritance (if they wil ſeeke the ſame in time, and by ſuch meanes as are fit and conuenient) Wee haue thought good hereby to require you, the Maſter & Councell of Our ſaid Court, and the Maſter and Councell of the ſaid Court for the time being, that in diſpoſing and committing of the Cuſtody of the bodies and Lands of ſuch Our Wards, whoſe Anceſtors ſhall happen to die from and after the date of theſe preſents, and of ſuch Ideots and Lunatickes, and their eſtates, as

ſhall

ſhall fall vnto Vs from hencefoorth, you ſtrictly and carefully obſerue theſe Our Directions following.

FIRST, That no Graunt or promiſe be made of the Cuſtody of the Body or Lands of any Ward, nor any Compoſition for the ſame, vntill the end of one moneth next after the death of the Anceſtor of the Ward, to the end that the neereſt and truſtieſt friends of the Anceſtors, or other perſons nominated by the Anceſtor in that behalfe, may in the meane time become Sutors for the ſame; among whom choice may be made of the beſt and fitteſt.

ALſo, you ſhall doe your beſt endeauours, to enforme your ſelfe, as particularly as you may, by Commiſsion, Suruey, or otherwiſe, of the trueth of the Wards Eſtate, aſwell of his Inheritance, as of his Goods and Chattels, and of the Eſtate of the deceaſed Anceſtour, and of all other due circumſtances conſiderable, to the end the Compoſitions may be ſuch, as

may ſtand both with Our reaſonable Profit, & with the Abilitie of the Heires Eſtate.

THat all Sales and Compoſitions for Wardſhips of the Bodies, and Leaſes of Landes, be made by the Maſter of the ſayd Court, and by ſuch perſons as are authorized by Statute in that behalfe. Neuertheleſſe, the Surueyour of the Liueries, the Attourney of the Wardes, Receiuer and Auditors, or any foure of them, without the Maſter, may treat with any, to bring the ſayd Wardſhips and Leaſes to a price, openly in the Councell Chamber of the Court of Wards, and acquaint the Maſter therewith; in whoſe power it ſhall be, to allow or diſallow of the ſame, according to the ſaid Statute.

THat no Wardſhip of the Body or Land, ſhall be giuen or granted to any perſon, or at his Suite, in way of reward or benefite, but the beſt price and value that ſhall be offered, ſhall be taken to Our vſe; ſo alwayes as the neereſt and truſtieſt friends,

friends, or the perſons nominated by the Anceſtour, (they ſeeking the ſame in time conuenient as aforeſaid, and making fit Offers for it) be preferred, and conſideration had of the Wardes Eſtate, and of all due Circumſtances conſiderable in ſuch caſes.

THat Leaſes of Wards Landes be made without Fine, for the beſt improoued yeerely Rent that ſhall be offered, conſideration being had of all due Cautions, as aforeſaid.

THat fellable Woods, and Fines of Copy-holdes of Inheritance, be alſo reaſonably valewed and demiſed with the Landes, for the beſt yeerely Rents as aforeſaid: with prouiſion for the fellable woods, that the Leaſſees fell them by fit portions.

THat the Fines of Copy-holds for Liues, be made and raiſed to Our vſe, when and as often as the Court ſhal thinke good, by certaine particular Commiſsioners to be

appointed by the Maſter and Councell of Our ſayd Court; which Commiſsioners ſhall be charged to make the beſt of ſuch Copyholds to be granted, and truely to anſwere vnto Vs, into Our Receipt of Our ſayde Court, all ſuch ſummes as by them ſhall haue beene receiued (due conſideration being had of their great paines and expences) without fraud or coune.

THat you doe obſerue the like rules, orders, cautions, and conſiderations, aſwell for Our profit, as otherwiſe, in committing and diſpoſing of the lands, fellable woods, Fines of Copiholds of inheritance, or for Liues, of Ideots, as by theſe preſents are preſcribed for Wards: reſpectiuely, according to the nature of the caſe, giuing to their friends, that will take charge of them, ſuch competent allowance for their maintenance out of the eſtate of ſuch Ideots, as the ſame will beare.

BVt touching Lunatickes, Let no compoſition be taken, for the committing of them

them or their eſtates: but let ſuch care be had therein, as they may be freely committed to their beſt and neereſt friends, that can receiue no benefit by their death, and the Committees bound to anſwere, not only the values found by office, but the very juſt valew of their Eſtates, vpon Account, for the benefit of ſuch Lunaticke (if he recouer) or of the next heire; due regard being had to the paines and charges of ſuch Committees, in keeping, maintaining, gouerning, and curing of the ſayd diſtracted Perſons.

AND further, foraſmuch as We haue a good while ſince perceiued by you the Maſter of the ſayd Court, that you are not only ready and deſirous, to imploy the vttermoſt of your cares and endeauours, for purſuing and effecting Our Directions, aſwell ſuch as ſhould concerne the increaſe of Our owne Profit, as thoſe that ſhould concerne the ſafety and preſeruation of their Eſtates, that are in this ſort to be protected by Vs; but are likewiſe moſt deſirous in

this time of Our vrgent neceſsities, that it may appeare, aſwell to the whole world, as it is ſetled in your owne Conſcience, that you are reſolued, to forgoe and abandon all that benefit, that might heereafter ariſe to your ſelfe, or to any other, by ſuch Fines or Compoſitions; notwithſtanding any thing that hath beene taken, or challenged by all the Maſters of the ſayd Court, by continued Cuſtome, Vſe, and Preſcription euer ſince the erection thereof: We haue thought good, and ſo We doe authorize you heereby, that you giue Order, that euery perſon that ſhall proſecute ſuch Compoſition, for the Cuſtodie of a Ward, Ideot, or Lunaticke, or Leaſe of their Land or other Eſtate, ſhall before the Schedule or Particular rated, take his Corporall oath in open Court, or by Commiſsion, (as the caſe ſhall require) that he knowes of no gift or reward, giuen, or to be giuen to any Officer, or other Perſon whatſoeuer, directly, or indirectly, for any ſuch Compoſition or Graunt.

Neuer-

NEuertheleſſe, Wee are well pleaſed and contented, that if any Wardſhip, Leaſe of land, meane rates before or after full age, now be, or hereafter ſhall bee concealed from Vs, or if no ſuit ſhall bee made within one yere next after Our Tenants death for ſuch Wardſhip or Leaſe; or if vpon ſuite made within the yeere, an Office be found againſt Vs, or the finding of the office vnneceſſarily protracted, after the yeere expired, without iuſt cauſe allowed by the Court: that in ſuch caſes, the Maſter may admit any fit perſon whatſoeuer, that ſhall make offer to diſcouer Our right, ſo concealed, or ſought to be concealed or ſuppreſſed (vpon good matter of proofe ſhewed for Vs, and approued by the Court) to proſecute the finding of an Office, and to paſſe the ſaid Wardſhip, Leaſe, or meane Rates, without reſtraining or binding the ſaide Court, or the partie proſecuting, to the directions aboue mentioned: but that the Maſter of the ſaid Court, may according to the parties trauaile, expenſes, aduenture, and ſeruice done vnto Vs, reward him by

Grant

Grant of ſuch Wardſhip, Leaſe, or meane Rates, in ſuch ſort, as others may be incouraged to imploy themſelues in the like ſeruice, and all deuiſes and practiſes to deceiue and defraud Vs of Our due and iuſt right, bee better preuented: Any thing in theſe Our Inſtructions and directions to the contrary, notwithſtanding.

NOw as We haue ſo ſufficiently directed you, as We make litle doubt, but you wilbe careful of Our profit, in the execution of your place: So neuertheles, We let you likewiſe know hereby, that ſeeing Our own iudgement tels Vs, that there may fall into your conſiderations many circumſtances, which muſt guide you in aſſeſsing the Fines for mariages of Our Wardes, ſome ariſing, either out of the broken eſtate of the deceaſed, want of prouiſion for his wife, his great charge of children vnprouided for, infirmitie or tenderneſſe of the Heire, vncertaintie of the Title, or greatneſſe of incumbrance vpon the land, ſo as ſome Heire, that may in reſpect of his degree,

gree, or blood, or liuing, in opinion of the world, be iudged to deſerue a greater Fine, then ſome other perſon more obſcure, may yet in regard of the cauſes aboue mentioned, or ſome other of like ſort, be leſſe fit to haue any great charge laid vpon him: Wee doe therefore, notwithſtanding any thing conteined in theſe Our Inſtructions, giue you full libertie, that as theſe, or any the like conſiderations ſhall offer themſelues vnto you, you may vſe that good diſcretion and conſcience which is fit, in mitigating or abating the Fines or Rents, vpon the ſaide Graunts or Leaſes, to the reliefe of ſuch neceſsities: So alwayes as care be taken, that by any ſuch pretences, that profite which ſhould accrue vnto vs, be not deriued to any others, that ſhal ſeeke to draw to themſelues a priuate benefit out of this Our gracious care and conſideration.

LAſtly Our Will and pleaſure is, and We do hereby direct and authorize you the Maſter and Counſaile of Our ſaid Court, and the Maſter and Counſell of the ſame

for the time being, that with the aduiſe of Our Iudges, Aſsiſtants of Our ſaid Court, you diligently examine, ſearch out and reforme all fraudulent deuiſes and practiſes, deuiſed or to be deuiſed and put in vre, to deceiue or defeat Vs of Our Wardſhips, or Leaſes of Our Wards Lands, or of any due and iuſt benefit belonging vnto Vs, by reaſon of Our Tenures. In Witneſſe whereof, Wee haue cauſed theſe Our Letters to bee made Patents.

Witneſſe Our ſelfe at Weſtminſter, the 9. day of Ianuarie, in the eight yeere of Our Reigne of England, France, and Ireland, and of Scotland the foure and fourtieth.

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